Mining Day at the Legislature 2007
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We really are proud of the fact that the Premier, the government and British Columbians have been able to work effectively together to see this economic turnaround in the mining sector happen.

It's the kind of success that gives citizens of this province something to talk about and acknowledge. It really is something we can tout and emphasize – not just here in British Columbia, but right across Canada, North America, and the world. It's something we don't have to be shy about celebrating. So, people in the industry, mayors that are here today, First Nations chiefs, and all the folks working together to make this mining success a reality really should celebrate these accomplishments. But we all know the work needs to continue to keep the sector strong.

I was thinking about some of the successes that have occurred over the last year. There was Polaris Minerals Corporation partnering with 'Namgis and Kwakiutl First Nation on a quarry project on the north Island – and with Maa-nulth bands around Port Alberni. And of course, Polaris won 2006 Mining and Sustainability Award for their work with First Nations partners.

There is the Upper Similkameen Band and the Memorandum of Understanding that's been going on there – it's very good news. And just last week, there was the announcement that NovaGold Canada's major mine project received a provincial environmental assessment certificate – of course that impacts the company's plans to make a massive investment in northwest British Columbia.

One of my responsibilities is to focus on how First Nations relate to some of the mining activity, and to make sure the government is aligned towards a project. For example, we were talking about Williams Lake and surrounding areas, and some of the projects on the books there.

Some of you may have heard of the quote/unquote "New Relationship". What is that? Is it a document? Is it a state of mind? How does the New Relationship impact what you're trying to do and what we collectively are trying to do in terms of investment?

Well, the New Relationship is based on nothing much more complicated than the fact that "We are all here to stay" – and we are better off trying to figure out how to make this thing work together instead butting heads in court. It won't happen overnight. But a big step forward was the formation of a First Nations Leadership Council with representation from the Union of British Columbia Indian Chiefs, First Nations Summit, and the B.C. Assembly of First Nations. That's something we hadn't seen before.

But if I'm sitting in the shoes of a community or organization involved in mineral exploration or extraction, I'd probably want to know what the New Relationship means for my community. Let me share some thoughts on that with you.

We are trying to be realistic and upfront about our desire to work with First Nations and bring them in as full partners in British Columbia's economy. A whole bunch of benefits go with that – one of them of course is the fact that we actually need people. Aboriginal persons and First Nations are the fastest growing demographic within our province. We don't have the luxury anymore of disregarding that fact because we need people. Your community needs people and the company you represent needs people. So it just makes sense to draw on some of the people who are here and want to be part of the economy.

It's incredible how the conversation between Aboriginal people, government and industry changes when it becomes based an economic foundation – when it becomes a matter of mutual self-interest.

How do we make that happen? Can we make it all happen everywhere at once? No, I don't think so. That is not going to be the case. There are going to be some places where it can happen more readily than other places. But we're beginning to see progress. Treaty negotiations are one stream where the economic discussion can show some benefits, but there is also a broader spectrum of benefits.

None of us should be under any illusions. The courts have made some announcements. We as government recognize the obligation that the Crown has to consult and accommodate. Part of the dilemma is defining what that obligation means – to whom does it extend and how is it met? The courts have been very good at telling us when it has not being met, but they are less helpful when it comes to defining the threshold. So part of what we are trying to do with the New Relationship is to say to First Nations that we'd like to work with them and develop a partnership, because we don't really want to go to court.

This is what has been happening and continues to happen. First Nations recognize their entitlement. They sit down at the table as part of the consultation process with government. And that's fine, but there is also the accommodation part of the exercise.

First Nations want to know what they are getting as compensation for what they feel are infringements on their rights and traditional territories. So much of the government's energy has been focused on how to address that point. That discussion is going on right now and you should know it.

If you have any views, it is important that you share those views. We have taken some major steps. For example in forestry –we did some things around resource and revenue sharing. Actually, it was the first time that the notion of resource-based revenue sharing was addressed. I know the good thing is that it altered the discourse between First Nations and government. I'm not saying it can be a solution for everything, but it certainly altered the discussion.

Government has been challenged to expand the range of current needs connected to the discussion around consultation and accommodation. We will need to work with you as we address those needs, because at the end of the day all our interests are better served if we can determine greater clarity at the negotiating table. A big part of that discussion is what government can do to influence negotiations from the perspective of public policy.

In any event, each one of you in the mining sector is likely involved in a project. The temptation on my part would be to go to government and say – now look, if you just do this for this project, there will be a $1.5 billion investment. We want that to happen. The dilemma is this: once you've made those decisions with respect to one project, you've made it for all projects. We're not afraid of that, but it does mean that we have to go through each project in the kind of detail that is very frustrating when you are the proponent and you just want to get on with it. But we have to conduct assessments; we have to make decisions on the basis of the wider impact.

It is very helpful that you are gathering at this point in time here in Victoria to impress on our minds the importance of the work you do and the contribution you make to the provincial economy. And as I said, it's a source of great pride for MLA's and Ministers who have hopefully helped a little bit to support one of the most dramatic economic turnarounds that we can point to.

Thanks for inviting me, and now let's get to some questions.

Q. We know that your ministry is working hard at trying to make things happen, but then there is also the Federal obligation to consult and accommodate – so things get pretty complicated.

Yes – we touched on this earlier. It's partly a matter of coordination. I know one of the great frustrations is that you have to deal with different levels of government and different departments within governments. So, how do you know that everybody at every level of government operates from the same notion of what the obligation is and who is responsible for discharging this obligation? Within our government the responsibility for coordinating that effort and ensuring that you are getting a consistent message rests with the Ministry of Aboriginal Relations and Reconciliation.

We tend to rely on the courts to provide the definitions around accommodation of Aboriginal rights. We want to be pro-active, but in order to be proactive we must know what it is we're taking to the table. Are we just taking money? Are we taking money and land? What about a direct award of assets and human resources?

Some of you are building partnerships or proposing partnerships connected to what the parties are bringing to the table. First Nations are also a bit frustrated because they go to government to find out specifically what we can offer. We are grappling with the situation the way it is now – but our frustration today is that we feel a

tremendous amount of pressure to make some decisions, so people will know what they have to work with.

Q. You mentioned revenue sharing as a way of maybe deciding what can be brought to the table. How applicable is revenue-sharing?

A. Well, I have said most candidly to people in the last three weeks that I don't want anyone to be under any illusions. Does the government want to expand the notion of revenue sharing? Don't assume that it's a foregone conclusion. We have to answer to Treasury Board. But the fact is that there is an obligation to accommodate and we have to decide how to do it.

Q. We had quite an experience in the northeast, with a number of federal panellists. In response to a question or a point, they would huddle, and then say they can't answer and they'll get back with a response. This happened three or four times and left a lot of uncertainty. Will the federal jurisdictions get their act together?

A. Let me give you some quick observations. I have found the present federal Minister very positive to work with. He was there at a crucial time when we needed intervention at the federal level. He has a clear understanding as a former negotiator with the language and he is not easily bamboozled by very clever senior people. I think there are elements within the federal government that come from the perspective of seeing problems, rather than an opportunity. And I think the shift that has to happen to turn their minds to the economic and political opportunity. (Applause)

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